

1 **R277. Education, Administration.**

2 **R277-477. Distribution of Funds from the School Trust Lands**
3 **Account and ~~[Implementation]~~Administration of the School LAND**
4 **Trust Program.**

5 **R277-477-1. Definitions.**

6 A. "Board" means the Utah State Board of Education. The
7 Board is the representative and advocate for beneficiaries of
8 the School LAND Trust Program.

9 B. "Fall Enrollment Report" means the audited census of
10 students registered in Utah public schools as reported in the
11 audited October 1 Fall Enrollment Report from the previous
12 year.

13 C. "Funds" means interest and dividend income as defined
14 under Section 53A-16-101.5(2).

15 D. "Interest and Dividends Account" means an account
16 created under Section 53A-16-101 established to collect
17 interest and dividends from the permanent State School Fund
18 until the end of the fiscal year at which time the funds are
19 distributed to school districts through the School LAND Trust
20 Program.

21 E. "Local board of education" means the locally-elected
22 board designated in Section 53A-3-101 that makes decisions and
23 directs the actions of local school districts and is directed
24 in Section 53A-16-101.5(5)(b) to approve School LAND Trust
25 plans for schools under the local board's authority.

26 F. "School Children's Trust Section" means employees
27 designated by the Superintendent who have responsibility for
28 overseeing the use of School LAND Trust Program funds.

29 G. "School community" means the geographic area
30 designated by the school district as the attendance area with
31 reasonable inclusion of the parents or legal guardians of
32 additional students who are attending the school.

33 H. "State Charter School Board (SCSB)" means the board
34 designated under Section 53A-1a-501.5 that has responsibility
35 for making recommendations regarding the welfare of charter
36 schools to the Board and the board that has responsibility to
37 approve School LAND Trust plans for charter schools. The SCSB

38 has primary responsibility to provide training and oversight
39 for charter school School LAND Trust plans.

40 I. "State Superintendent of Public Instruction
41 (Superintendent)" means the individual appointed by the Board
42 as provided for in Section 53A-1-301(1) to administer all
43 programs assigned to the Board in accordance with the policies
44 and the standards established by the Board.

45 [E]J. "Student" means a child in public school grades
46 kindergarten through twelve counted on the audited October 1
47 Fall Enrollment Report of the school district, charter school,
48 or USDB.

49 [F]K. "USDB" means the Utah Schools for the Deaf and the
50 Blind.

51 [G]L. "USOE" means the Utah State Office of Education.

52 **R277-477-2. Authority and Purpose.**

53 A. This rule is authorized by Utah Constitution Article
54 X, Section 3 which places general control and supervision of
55 the public school system under the Board, by Section 53A-16-
56 101.5(3)(c) which allows the Board to adopt rules regarding
57 the time and manner in which the student count shall be made
58 for allocation of school trust land funds, and by Section 53A-
59 1-401(3) which allows the Board to adopt rules in accordance
60 with its responsibilities.

61 B. The purpose of this rule is to:

62 (1) provide direction in the distribution of interest
63 and dividends from the Interest and Dividends Account created
64 in Section 53A-16-101 and funded in Section 53A-16-101.5(2)
65 through school districts;

66 (2) ~~[provide a process for the dissemination of accurate~~
67 ~~and uniform information to the Legislature, Board, local~~
68 ~~school boards schools, the School and Institutional Trust~~
69 ~~Lands Administration, State Treasurer, State Director of~~
70 ~~Finance, USOE, and others as necessary to facilitate effective~~
71 ~~administration and implementation of the School LAND Trust~~
72 ~~Program; and]~~provide for appropriate and adequate oversight of
73 the expenditure and use of School LAND Trust monies by

74 designated local boards of education, the SCSB, and the Board;
75 (3) provide for review and monitoring of funds and
76 revenue generated by school trust lands; and
77 ([3]4) determine the time and manner in which the student
78 count shall be made for allocation of the monies as provided
79 in Section 53A-16-101.5(3)(c).

80 **R277-477-3. Distribution of Funds - Determination of**
81 **Proportionate Share.**

82 A. Funds shall be distributed to school districts and
83 charter schools as provided under Section 53A-16-101.5(3)(a).
84 The distribution shall be based on the state's total fall
85 enrollment as reflected in the audited October 1 Fall
86 Enrollment Report from the previous school year.

87 B. Each school district and the USOE, with regard to
88 charter schools and the USDB, shall distribute funds received
89 under R277-477-3A to each school within each school district
90 or to each charter school and USDB on an equal per student
91 basis.

92 C. Local ~~[school]~~boards of education and the USOE may
93 adjust distributions, maintaining an equal per student
94 distribution for school openings and closures and for boundary
95 changes occurring after the audited October 1 Fall Enrollment
96 Report of the prior year.

97 D. All public non-charter schools receiving funds shall
98 have a school community council as required by Sections 53A-
99 1a-108~~[, and a current school plan for]~~ and R277-491; funds
100 shall be used to enhance or improve a school's
101 academic excellence and safety consistent with Section 53A-16-
102 101.5. Plans shall be approved by the local ~~[school]~~board of
103 education. Required school community council-generated plans
104 or programs include:

- 105 (1) School Improvement Plan;
106 (2) School LAND Trust Program;
107 (3) Reading Achievement Plan (for elementary schools)
108 (4) Professional Development Plan; and
109 (5) Child Access Routing Plan;

110 (6) Recommendations regarding school/school district
111 programs and community environment.

112 E. All charter schools that elect to receive School LAND
113 Trust funds shall have a committee consisting of a majority of
114 parents elected from parents of students currently attending
115 the charter school that is designated to make decisions about
116 the School LAND Trust funds, and a current school plan for
117 enhancing or improving academic excellence and safety
118 consistent with Section 53A-16-101.5 approved by the [~~State~~
119 ~~Charter School Board~~]SCSB for state chartered schools.

120 F. The plan shall be electronically submitted to the
121 USOE on the School LAND Trust Program website.

122 G. All charter schools shall be considered collectively
123 as a school district to receive a base amount under Section
124 53A-16-101.5(3)(a)(i).

125 H. The USDB shall receive the average statewide per
126 pupil base amount as the school's base allocation.

127 I. In order to receive its allocation, a school shall
128 satisfy the requirements of Section 53A-16-101.5(4-7).

129 J. Plans shall include specific academic goals, steps to
130 meet those goals, measurements to assess improvement and
131 specific expenditures to implement plans that may include
132 purchase of workbooks, textbooks, professional development,
133 computer hardware and software, library and media supplies, or
134 supplement funding for aides, teachers and specialists, and
135 other tools for student academic improvement consistent with
136 Section 53A-16-101.5(5).

137 K. Income from the Interest and Dividends Account shall
138 be distributed to school districts and charter schools after
139 the close of the state fiscal year as the USOE receives the
140 funds in the Interest and Dividends Account within the Uniform
141 School Fund.

142 L. [~~Each school board~~]Local boards of education or the
143 SCSB shall approve plans annually and shall ensure timely
144 distribution of the funds to schools[~~with plans approved by~~
145 ~~the local school board~~].

146 M. When approving school plans on the School LAND Trust

147 Program website, school district and charter school personnel
148 shall report the meeting date(s) when the local [~~school~~]board
149 of education or the SCSB approved the plans.

150 N. Funds not used in the school approved plan may be
151 carried over by the school to the next school year and added
152 to the School LAND Trust Program funds available for
153 expenditure in that school the following year. Schools shall
154 provide an explanation for any carry over that exceeds one-
155 third of the school's allocation in the school plan or report.

156 O. School LAND Trust Program funds shall be focused on
157 the school's critical academic needs.

158 ~~[(1) School LAND Trust Funds shall only be used to~~
159 ~~directly impact instruction and enhance academic excellence in~~
160 ~~reading, writing, mathematics, science, social studies,~~
161 ~~technology, fine arts, foreign language, and career education~~
162 ~~in high schools.~~

163 ~~—— (2) Expenditures to aid students in recovering academic~~
164 ~~credits, assisting students in completion and recovery of~~
165 ~~credits towards graduation, study skill classes and college~~
166 ~~entrance exam preparation classes are appropriate academic~~
167 ~~uses of the specific School LAND Trust Program funds.~~

168 ~~—— (3) Programs to improve school climate, provide security,~~
169 ~~address behavioral issues, prevent bullying, permanent~~
170 ~~auditorium audio systems, and other non-academic school needs~~
171 ~~are not eligible for funding from the School LAND Trust~~
172 ~~Program.~~

173 ~~—— (4) Student incentives shall be academic and the total~~
174 ~~may not exceed \$1000, or four percent of the School LAND Trust~~
175 ~~Program funds, whichever is less. Examples of academic~~
176 ~~incentives include academic field trips, flashcards, books, or~~
177 ~~student planners.~~

178 ~~—— (5) Schools for individuals with disabilities may use~~
179 ~~funds as needed to directly impact and improve student~~
180 ~~performance according to the Individual Education Plan (IEP) of~~
181 ~~the students.]~~

182 P. School LAND Trust Program funds shall be focused on
183 implementing a recommended course of action to enhance or

184 improve student academic achievement and implement a component
185 of the school improvement plan focused on the school's
186 identified most critical academic needs, as explained in
187 Section 53A-1a-108.5 and Section 53A-16-101.5(5).

188 Q. Examples of successful programs with School LAND Trust
189 monies may include activities such as:

190 (1) credit recovery courses and programs;

191 (2) study skills classes;

192 (3) college entrance exam preparation classes;

193 (4) academic field trips;

194 (5) classroom equipment and materials such as flashcards,
195 math manipulatives, calculators, microscopes, maps, books, or
196 student planners;

197 (6) teachers and teacher aides;

198 (7) professional development directly tied to school
199 academic goals;

200 (8) computer labs, software, LCDs, smart boards.

201 R. Schools serving students with disabilities may use
202 funds as needed to directly influence and improve student
203 performance according to the student Individual Education
204 Plans (IEPs).

205 S. The School Children's Trust Section of the USOE shall
206 create and electronically post model plans for elementary and
207 secondary schools.

208 [P]T. Funds from the School LAND Trust Program that are
209 expended inconsistent with the requirements and academic
210 intent of the law, inconsistent with R277-477, or inconsistent
211 with the original school board/charter board approval shall be
212 withheld by the USOE in subsequent years until the
213 misappropriated funds have been restored.

214 [Q]U. Schools serving only youth in custody may form
215 committees and submit plans to the district serving the
216 students. Youth in custody schools shall receive the same per
217 pupil distribution as other schools in the district providing
218 services.

219 [R]V. Plans submitted by charter schools shall be
220 prepared, submitted and approved by the charter school

221 committee established in R277-470-9D, requiring a majority of
222 elected parents to serve on the committee, and then submitted
223 first to the local charter school board, then to the local
224 ~~[school]~~board of education for approval, if the school is
225 chartered by the district, or to the ~~[State Charter School~~
226 ~~Board]~~SCSB if the school is chartered by the Board.
227 [S]W. Plans submitted by the USDB governing board shall
228 be reviewed and approved by the State Superintendent or
229 designee.

230 **R277-477-4. Administration of School LAND Trust Program.**

231 A. The School Children's Trust Section of the USOE shall
232 provide support to local boards of education, to the SCSB and
233 to local charter School LAND Trust committees, as directed by
234 the Superintendent.

235 B. Support services shall include:

236 (1) Regional training and, to the extent of resources
237 available, school district or school training for school
238 community councils, as requested by local boards of education
239 or the SCSB;

240 (2) Training materials;

241 (3) Model plans for school improvement, reading
242 achievement, School LAND Trust, professional development
243 assistance, and child access routing plans for both elementary
244 and secondary schools.

245 (4) Materials, suggested practices and plans for use by
246 community councils and charter school parent committees to:

247 (a) increase community and parent awareness and knowledge
248 of community councils;

249 (b) increase community and parent knowledge about school
250 trust lands and their history and purpose in generating funds
251 for public schools;

252 (c) encourage parent participation in developing plans
253 for local board approval for the use of School LAND Trust
254 allotments.

255 C. The School Children's Trust Section shall monitor
256 development of School LAND Trust plans and assist local

community councils and charter school parent committees with plan development as requested, and monitor expenditures and compliance with statutory requirements. Assistance/monitoring may include:

(1) timely notification of annual School LAND Trust allotments to public schools;

(2) clear and timely notification of required timelines for plan submission;

(3) periodic, cost-effective and scheduled review of submitted school plan consistency and plan expenditures and results;

(4) verifying web postings and other information regarding school community council and charter school parent School LAND Trust committees compliance with the Utah Public and Open Meetings Act.

D. The School Children's Trust Section shall receive direction from the Superintendent as it provides monitoring and review.

E. Monitoring and review shall be accomplished primarily through written assurances from school community councils and School LAND Trust committees, written/electronic submission of information from local school boards and charter schools and random and selective paper audits of School LAND Trust plans and the execution of School LAND Trust plans.

F. The School Children's Trust Section shall, under the direction of the Superintendent, provide oversight and expertise regarding the School LAND Trust account and all related activities. Oversight and activities may include:

(1) attending meetings where school trust land issues are discussed and voted on;

(2) providing information, upon request, to other state agencies, general public, legislature, regarding school trust lands and revenues;

(3) reviewing and providing information as representatives of the Superintendent to state agencies or employees that have responsibility for managing school trust lands and maximizing trust land revenues; and

294 (4) other activities or assignments as directed by the
295 Superintendent.

296 **R277-477-[4]5. Information to USOE.**

297 A. Information on each school's plan to address critical
298 academic needs shall be completed via the School LAND Trust
299 Program website maintained through the USOE for accurate and
300 uniform reporting.

301 B. To facilitate submission of information by schools,
302 each school board shall establish a timeline for timely
303 submission of information and a district submission date for
304 the district schools not later than May 15 of each year.

305 C. Timelines shall allow for school committee
306 reconsideration and editing of the school plan following local
307 ~~[school]~~board of education or SCSB requested changes.

308 D. USOE staff ~~[shall]~~may visit ~~[ten percent of the]~~
309 schools receiving funds from the School LAND Trust Program
310 ~~[annually]~~as directed by the Superintendent to discuss the
311 program~~[-and website]~~, receive information and suggestions,
312 provide training, and answer questions~~[-and review~~
313 ~~implementation of the plans and reported purchases]~~.

314 ~~[E. USOE staff shall read school plans and reports for~~
315 ~~compliance with the law.]~~

316 ~~[F]~~E. School districts and charter schools wishing to
317 submit information to the School LAND Trust website through a
318 comprehensive electronic plan shall meet the parameters for
319 programming and data entry required by the USOE. They shall
320 review School LAND Trust plans on the USOE website prior to
321 local ~~[school]~~board of education or SCSB approval to ensure
322 information consistent with the law has been downloaded by
323 individual schools into the electronic plan visible on the
324 School LAND Trust Program website.

325 ~~[G]~~F. Charter school and school district business
326 administrators shall enter financial data relating to the
327 School LAND Trust Program on the School LAND Trust Program
328 website at the time they prepare and submit Annual Program
329 Report (APR) data to the USOE. The appropriate data shall

330 appear in the final reports submitted online by school
331 community councils for reporting to parents as required in
332 Section 53A-1a-108.

333 [H]G. The financial data shall include:

334 (1) the annual distribution received by each school (the
335 sum of the distributions to schools within a school district
336 equals the total distributed to the school district by the
337 USOE);

338 (2) expenditures made by each school from revenues
339 received from the School LAND Trust in the prior fiscal year.

340 [I]H. Expenditures made after the close of the fiscal
341 year shall be accounted for as expenditures in the following
342 fiscal year.

343 [J]I. The financial report in each school final report
344 shall be consistent with the narrative submitted by that
345 school community council or charter committee.

346 **KEY: schools, trust lands funds**

347 **Date of Enactment or Last Substantive Amendment: [~~October 8,~~**
348 **~~2008~~2009**

349 **Notice of Continuation: November 23, 2005**

350 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
351 **53A-16-101.5(3)(c); 53A-1-401(3)**